

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, decomposed animal substance.

On July 20, 1925, the A. B. C. Produce Co., Siloam Springs, Ark., claimant, having admitted the allegations of the libel and having consented that judgment might be entered for the condemnation and forfeiture of the product, a decree was entered, finding the product adulterated, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be recandled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

14646. Adulteration and misbranding of assorted jams. U. S. v. 36 Cases of Assorted Jams. Consent decree of condemnation and forfeiture. Product released upon deposit of collateral. (F. & D. No. 21270. I. S. Nos. 10697-x, 10698-x, 10699-x, 10700-x. S. No. W-2007.)

On August 26, 1926, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 36 cases of assorted jams, remaining in the original unbroken packages at Portland, Oreg., consigned by the Oest Fruit Co., San Francisco, Calif., alleging that the article had been shipped from San Francisco, Calif., on or about June 30, 1926, and transported from the State of California into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Jar) "Oest's Pure Fruit Jam * * * Oest Fruit Co. San Francisco, Cal."

Adulteration of the article was alleged in the libel for the reason that a substance, apple juice and sugar, had been mixed and packed therewith so as to reduce, lower or injuriously affect its quality and strength, and in that a substance, an insufficiently concentrated product deficient in fruit and containing apple juice and excessive sugar, had been substituted wholly or in part for fruit jam of good commercial value.

Misbranding was alleged for the reason that the statement "Pure Fruit Jam," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On September 13, 1926, the Oest Fruit Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the deposit of a certified check in the sum of \$100, to insure that the product not be sold or otherwise disposed of until relabeled in a manner satisfactory to this department.

W. M. JARDINE, *Secretary of Agriculture.*

14647. Adulteration of shell eggs. U. S. v. Anderson Produce Co. Judgment confessed. Fine, \$10 and costs. (F. & D. No. 17237. I. S. No. 3864-v.)

On April 21, 1923, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Anderson Produce Co., a corporation, Milan, Mo., alleging shipment by said company, in violation of the food and drugs act, on or about August 19, 1922, from the State of Missouri into the State of Illinois, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 1,440 eggs from 8 half cases showed 378, or 26.25 per cent, inedible eggs.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On May 1, 1923, the defendant company having confessed judgment, a fine of \$10 and costs was imposed.

W. M. JARDINE, *Secretary of Agriculture.*

14648. Misbranding of feed. U. S. v. 85 Sacks of Corno Stock Feed. Decree of forfeiture entered. Product released under bond. (F. & D. No. 21138. I. S. No. 6537-x. S. No. E-5774.)

On June 19, 1926, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in

the District Court of the United States for said district a libel praying seizure and condemnation of 85 sacks of Corno stock feed, at Asheville, N. C., alleging that the article had been shipped by the Corno Mills Co., East St. Louis, Ill., September 28, 1925, and transported from the State of Illinois into the State of North Carolina, and charging misbranding in violation of the food and drugs act.

It was alleged in substance in the libel that the article was misbranded, in that the label bore the statement "Guaranteed Analysis: Protein 10.00 Fat 4.00 Fibre 15.00," which was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On September 1, 1926, the Corno Mills Co., East St. Louis, Ill., having appeared as claimant for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it be reconditioned and relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

14649. Adulteration and misbranding of butter. U. S. v. 23 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21291. I. S. No. 7199-x. S. No. E-5855.)

On August 30, 1926, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 23 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Deer River Creamery Co., Deer River, Minn., on or about August 16, 1926, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 20, 1926, Joseph J. Herold, New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be reworked and reprocessed so as to contain at least 80 per cent of butterfat.

W. M. JARDINE, *Secretary of Agriculture.*

14650. Adulteration of pears. U. S. v. 532 Boxes of Pears. Default order of destruction entered. (F. & D. No. 21236. S. No. C-5206.)

On August 12, 1926, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 532 boxes of pears, at Chicago, Ill., alleging that the article had been shipped by the Suncrest Orchards, from Voorhies, Oreg., July 22, 1926, and transported from the State of Oregon into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in substance in the libel for the reason that it contained an excessive amount of a poisonous substance, to wit, arsenic, which might have rendered it injurious to health.

On August 27, 1926, it having appeared to the court that the product was of a perishable character, was rapidly deteriorating in quality and was in a condition to constitute a nuisance, upon petition of the United States attorney the court ordered the said product destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*